

**STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

Before the Commissioner of Financial and Insurance Services

**Office of Financial and Insurance
Services,**

Petitioner,

v

**Case No. 04-426-L
Docket No. 2004-1013**

Brian Winborn,

Respondent.

For the Petitioner:

**Laurence S. Wood (P34745)
Office of Financial and Insurance Services
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For the Respondent:

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**Issued and entered
this 24th day of February 2005
by Linda A. Watters
Commissioner**

FINAL DECISION

The Administrative Law Judge issued a Proposal for Decision dated January 5, 2005. She recommended that the Commissioner issue an order of prohibition pursuant to MCL 445.1668a.

The Respondent filed Exceptions. He seeks to have the default set aside and to be allowed time to complete negotiations with the consumers involved in this matter. He

anticipates the negotiations will resolve a civil lawsuit filed against him and that the parties will request that this contested case matter be dismissed.

The Respondent has presented no reasons to justify his default in this matter. The Notice of Intent to Issue Order of Prohibition Pursuant to MCL 445.1668(a) stated:

**FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE
ISSUANCE OF AN ORDER IN ACCORDANCE WITH THIS NOTICE.**

Moreover, there is nothing in the Exceptions to contradict the findings of fact that the Respondent admitted he took money from the consumers and that he mismanaged the loan.

The factual findings in the PFD are in accordance with the preponderance of the evidence and the conclusions of law are supported by reasoned opinion. The PFD is attached, adopted, and made part of this final decision.

II ORDER

Therefore, it is ORDERED that the Respondent is prohibited from being employed by, an agent of, or control person of a licensee or registrant under the Mortgage Brokers, Lenders and Servicers Licensing Act or licensee or registrant under a financial licensing act.